UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/267/Add.1
21 September 1993

ORIGINAL: ENGLISH

Forty-eighth session
Item 142 of the provisional agenda*

MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Report of the Secretary-General

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* A/48/150 and Corr.1.

UNITED STATES OF AMERICA

[Original: English]

[16 August 1993]

1. With reference to the implementation of General Assembly resolution 46/51 of 9 December 1991, which requests the Secretary-General to seek the views of Member States on terrorism and on ways and means of combating it, including, inter alia, the convening of an international conference under the auspices of the United Nations to define terrorism and differentiate it from the struggle of peoples of national liberation and the role of the United Nations in combating international terrorism, the United States believes that a conference to define terrorism and distinguish it from national liberation movements would not be useful and, indeed, might be counterproductive. It would address a question on which there is little possibility of achieving consensus. Beginning with the 1937 League of Nations Convention for the Prevention and Punishment of Terrorism, the international community has repeatedly failed in its efforts to reach consensus on a generic definition of terrorism. Convening a conference to consider this question once again would likely result in a non-productive debate and would divert the United Nations attention and resources from efforts to develop effective, concrete measures against terrorism.

2. In response to the difficulty in reaching consensus on a generic definition of terrorism, the international community has instead concluded a series of individual conventions that identify specific categories of acts which the entire international community condemn, regardless of the motives of the perpetrators, and which require States parties to criminalize the specified conduct, prosecute or extradite the transgressors, and cooperate with other States for the effective implementation of these duties. As listed in resolution 44/29, these conventions cover aircraft sabotage, aircraft hijacking, attacks against officials and diplomats, hostage-taking, theft or unlawful use of nuclear material, violence at airports, and certain attacks on or against ships and fixed platforms. By focusing upon specific types of actions which are inherently unacceptable, rather than or questions of motivation or context, this approach has enabled the international community to make substantial progress in the effort to use legal tools to combat terrorism. The United States is concerned that an international conference to define terrorism and to differentiate it from the struggles of national liberation movements might send an ambiguous signal, which would undercut the international community's consensus that the acts proscribed by the international anti-terrorism conventions are unacceptable whatever the rationale, context, or professed cause. The effect could be to give encouragement to those willing to use terrorism instead of deterring them.

3. Rather than reviving a non-productive debate over a generic definition of terrorism, the United States believes the United Nations should concentrate on the practical implementation of resolutions 44/29 and 46/51, which unequivocally condemn as criminal and not justifiable all acts, methods and practices of terrorism wherever and by whomever committed and call for the immediate and safe release of all hostages and for all States to use their political influence to accomplish that end; call on all States to fulfil their obligations under international law by refraining from organizing, instigating, assisting,

participating in, encouraging, or acquiescing in terrorist activities or preparations; urge all States to adhere to their obligations under existing international anti-terrorism conventions to prosecute or extradite offenders and to cooperate in the apprehension and prosecution of offenders; and appeal to all States that have not yet done so to become party to the existing international anti-terrorism conventions.

4. In this regard, the United States notes that while nearly every United Nations Member State is party to the Aircraft Sabotage Convention, the Aircraft Hijacking Convention, and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, less than half of the United Nations Member States have become party to the Hostage-Taking Convention, less than a third have ratified the Convention on the Physical Protection on Nuclear Material, and only a handful of countries have ratified the IMO Maritime Terrorism Convention and the ICAO Airport Security Protocol. The United States firmly believes that in order that these anti-terrorism conventions be made more effective, parties to these conventions should take all appropriate steps to encourage non-parties to accede to them, and parties should use their political influence to encourage other parties to abide by their obligations under these conventions.

5. As for enhancing the role of the United Nations in combating international terrorism, the United States notes the groundbreaking effort of the Security Council in 1992 in relation to the Pan Am 103 and UTA 772 bombing cases. For the first time, the Security Council acted under Chapter VII to find that Libya's actions in regard to these two heinous acts of terrorism constituted a threat to international peace and security, and called on Libya to make a full and effective response to demands for the extradition of the suspects in the Pan Am 103 bombing, cooperation in the Pan Am 103 and UTA 772 bombing investigations, the immediate cessation of support for international terrorism, and the payment of appropriate compensation to the victims of the bombings. When Libya failed to comply with the United Nations resolutions, proportionate economic sanctions were imposed.

6. This concrete action taken by the United Nations in response to acts of international terrorism sends the clearest signal to States implicated in such acts that the international community will not tolerate such behaviour. This type of concerted multilateral response to terrorism serves as an important deterrent to States considering support for terrorist acts or groups.

7. In sum, the United States believes United Nations Member States need to make these practical measures their priority rather than to pursue the convening of a conference which is more likely to undermine than strengthen the international consensus with regard to terrorism.